

**REMARKS**

**I. A Statement on the Substance of the March 23, 2010 Telephone Interview**

As an initial matter, Applicant would like to thank Examiner Gerrity for the courtesy of the telephone interview conducted with the Applicant's representative on March 23, 2010. During the interview, and as stated in the Interview Summary mailed March 25, 2010, the pending claims and the rejections based on U.S. Patent No. 4,377,061 to Olson et al ("Olson") were discussed. Proposed amendments to the claims also were discussed. The amendments to the claims set forth above and the remarks made herein relating to those rejections are consistent with the discussion and agreements made during the interview.

**II. Claim Rejections - 35 U.S.C. § 112**

The Examiner has rejected the claims under 35 U.S.C. §112, asserting that the recitation of the evacuation means does not set forth what is being evacuated. Applicant has amended claim 10 in accordance with the recommendation of the Examiner. It is respectfully requested that this rejection be withdrawn.

**III. Claim Rejections - 35 U.S.C. § 102(b)**

The Examiner has rejected claims 10-14 and 16 under 35 U.S.C. §102 asserting that U.S. patent 4,377,061 to Olson et al ("Olson") discloses the wrapping, compressing and evacuating mineral wool "which meets all of applicant's claimed subject matter." Office Action, page 4. The Examiner's rejection is respectfully traversed.

In the interview of March 23, 2010, and as stated in the interview summary report mailed March 25, 2010, the Examiner indicated that claim should be "revised to clarify the structure." Applicant has amended Claim 10 to clarify that the claimed apparatus includes, among other things, "a plurality of opposed surfaces, at least of portion of which are arranged between said compression means and said evacuation means, the opposed surfaces for maintaining said dimensional reduction during transfer of said mineral wool product from said compressing means to said evacuating means."

The apparatus of Olson does not disclose this recitation. In contrast the apparatus of Olson explicitly allows re-expansion, such as in Fig. 23 by way of the angled plate 650. In further contrast to the claimed apparatus, the apparatus of Olson may allow the commodity C to re-expand as it is transferred from the compression belts 106 and 124 of device 10 to the vacuum packing apparatus 14. Olson does not disclose any structure between device 10 and side sealing assembly 12, or between side sealing assembly 12 and apparatus 14, that would prevent re-expansion of commodity C. In fact, Olson discloses that diaphragm 434 of apparatus 14 "moves to flatten commodity C (see col. 10, line 48).

As noted in Applicant's previous response, mineral fiber products for building insulating purposes that underwent an intermediate re-expansion followed by a second flattening may have an unnecessarily damaged fiber structure with the consequence that the product may regain or recover much less of its original dimension.

Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 10, and the allowance of this claim.

Claims 11-14 and 16 depend from claim 10 and are patentable for at least this reason. Further, the dependent claims recite more specific features than the independent claim and are additionally patentable for this reason. Applicant requests the allowance of these dependent claims.

#### **IV. Conclusion**

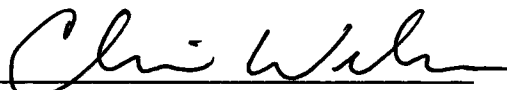
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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